

**LAW OFFICES  
THOMAS TORTO  
419 PARK AVENUE SOUTH  
NEW YORK, N.Y. 10016**

E-MAIL: [ttorto@tortolaw.com](mailto:ttorto@tortolaw.com)  
TELEPHONE (212) 532-5881  
FAX (212) 481-5851

**THOMAS TORTO  
MEMBER N.Y. AND FLA. BAR**

**JASON LEVINE**

December 13, 2023

**VIA ECF**

Application GRANTED. The Court continues to extend its well wishes to counsel. The Clerk of Court is directed to terminate ECF No. 63. SO ORDERED.

Hon. Jesse M. Furman  
United States District Court  
500 Pearl Street  
New York, New York 10007



December 13, 2023

Re: Trustees of the Fulton Fish Market Pension Fund v. M. Slavin & Sons, Ltd., et al  
1:22 CV 187 (JMF)

Dear Judge Furman:

I represent defendant Mitchell Slavin and the Oceanbox defendants and find that I must respectfully request another extension of the briefing deadlines set forth in Your Honor's memo order dated October 30, 2023 (EFC Doc. No. 62) for the parties' respective motion and cross-motion for summary judgment.

Plaintiff's counsel, Adrianna R. Grancio, Esq., and I have been working on a joint affirmation, a joint 56.1 statement of material facts and a stipulation which will narrow the claims in this action.

However, I am unable to meet the current deadline for filing defendants' opening brief by this Friday, December 15, 2023. I have medical appointments out of my office scheduled for this afternoon at 2:00 pm and 3:00 pm, and on Friday, December 15, 2023 at 12:00 pm with surgeons at NYU Langone Transplant Associates. These appointments and related testing are lengthy and time-consuming.

The following revised briefing schedule is requested:

January 19, 2024: defendants' opening brief not to exceed 25 pages;

February 16, 2024: plaintiff's consolidated opening brief and opposition brief not

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to exceed 45 pages;

March 4, 2024: defendants' consolidated opposition brief and reply not to exceed 35 pages; and

March 19, 2024: plaintiff's reply not to exceed 10 pages.

Ms. Grancio does not object to my request.

Thank you for your attention.

Respectfully,



**THOMAS TORTO**

TT:dm

cc: Adriana R. Grancio, Esq. (agrancio@vandallp.com)